

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested.

Claims 1-67 are currently pending, wherein claims 1, 19, 35 and 53 are independent.

Applicants note with appreciation the characterization by the Patent Office of claims 7, 24, 40 and 57 as allowable if rewritten in independent form, including all of the features of the base claim and any intervening claim. Applicants reserve the right to rewrite the aforementioned claims in independent form at a later date.

Applicants further note with appreciation the acknowledgment by the Patent Office of the Information Disclosure Statement previously submitted to the Patent Office on May 21, 2004.

In the second section of the Office Action, claims 1-4, 6, 8-10, 16, 18-21, 23, 25-29, 35-37, 39, 41-43, 49-50, 52-54, 56 and 58-62 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deacy (U.S. Patent Application No. 2005/0083205, hereinafter “Deacy”) in view of Kaufman (U.S. Patent No. 6,545,608, hereinafter “Kaufman”). These rejections are respectfully traversed.

Applicants respectfully note that the present application was filed on **December 16, 2003**. Deacy was filed on **October 16, 2003**, and published on **April 21, 2005**. Accordingly, as the publication date of Deacy is after the filing date of the present application, it is respectfully submitted that Deacy does not qualify as prior art under 35 U.S.C. § 102(b).

In addition, submitted herewith is the declaration of inventors James J. Genova, Laura Simkins and Stephen C. Kenyon under 37 C.F.R. § 1.131, and accompanying Exhibit A, to establish a date of conception and reduction to practice **prior** to October 16, 2003. As

Applicants can antedate the Deacy reference, it is respectfully submitted that Deacy does not qualify as prior art under 35 U.S.C. §§ 102(a) and 102(e). Accordingly, Deacy is **not** prior art to the present application. Therefore, the Patent Office's reliance on Deacy for the rejection based on obviousness is improper and misplaced.

As Deacy is not prior art to the present application, it is respectfully submitted that the combination of Deacy and Kaufman is improper, and does not render the subject matter of claims 1-4, 6, 8-10, 16, 18-21, 23, 25-29, 35-37, 39, 41-43, 49-50, 52-54, 56 and 58-62 obvious. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

In the third section of the Office Action, claims 5, 17, 22, 38, 51 and 55 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deacy in view of Kaufman, and further in view of Rodhall et al. (U.S. Patent No. 5,463,595, hereinafter "Rodhall"). These rejections are respectfully traversed.

Dependent claims 5, 17, 22, 38, 51 and 55 variously depend from independent claims 1, 19, 35 and 53, and are, therefore, patentably distinguishable over the combination of Deacy, Kaufman and Rodhall for at least those reasons stated above with regard to claims 1, 19, 35 and 53.

In particular, as Deacy is not prior art to the present application, it is respectfully submitted that the combination of Deacy, Kaufman and Rodhall is improper, and does not render the subject matter of claims 5, 17, 22, 38, 51 and 55 obvious. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

In the fourth section of the Office Action, claims 11-15, 30-34, 44-48 and 63-67 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deacy in view of

Kaufman, and further in view of Weiss et al. (U.S. Patent No. 5,905,438, hereinafter "Weiss"). These rejections are respectfully traversed.

Dependent claims 11-15, 30-34, 44-48 and 63-67 variously depend from independent claims 1, 19, 35 and 53, and are, therefore, patentably distinguishable over the combination of Deacy, Kaufman and Weiss for at least those reasons stated above with regard to claims 1, 19, 35 and 53.

In particular, as Deacy is not prior art to the present application, it is respectfully submitted that the combination of Deacy, Kaufman and Weiss is improper, and does not render the subject matter of claims 11-15, 30-34, 44-48 and 63-67 obvious. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

All of the rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, the Examiner is urged to contact the Applicant's attorney, Andrew J. Bateman, by telephone at (202) 625-3547. All correspondence should continue to be directed to the address given below.

Respectfully submitted,

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